

Susan N.K. Gummow, Esq.
Clausen Miller P.C.
10 South LaSalle Street
Chicago, Illinois 60603-1098
Telephone: (312) 855-1010
Facsimile: (312) 606-7777

William F. Fink, Esq.
Wicker, Smith, O'Hara, McCoy,
Graham & Ford, P.A.
Grove Plaza, 28th Terrace
Miami, FL 33133
Telephone: (305) 448-3939
Facsimile: (305) 441-1745

Attorneys for the Chapter 7 Trustee

Elio Battista, Jr., Esq.
Blank Rome LLP
Chase Manhattan Centre
1201 Market Street, Suite 800
Wilmington DE 19801
Telephone: (302) 425-6400
Facsimile: (302) 425-6464

Michael Schaedle, Esq.
Blank Rome LLP
One Logan Square
18th & Cherry Streets
Philadelphia PA 19103
Telephone: (215) 569-5500
Facsimile: (215) 569-5555

Dated: March 1, 2006

GREENBERG TRAURIG, LLP



Victoria Watson Counihan (DE No. 3488)
Monica Leigh Loftin (DE No. 3409)
1007 North Orange Street, Suite 1200
Wilmington, DE 19801
(302) 661-7000

and

Susan N.K. Gummow (ARDC 6238070)
Clausen Miller P.C.
10 South LaSalle Street
Chicago, Illinois 60603-1098
(312) 855-1010

and

William F. Fink - Florida Bar No. 764851
Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A.
Grove Plaza, 28th Terrace
Miami, FL 33133
(305) 448-3939

Attorneys for Discovery Zone

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 7
DISCOVERY ZONE, INC., et al.,)	
)	Case No. 99-941 (PJW)
)	(Jointly Administered)
)	
Debtors.)	RE: Docket No. <u>1646</u>
)	

**ORDER DENYING DEBTOR'S MOTION TO ENFORCE DEADLINE UNDER
11 U.S.C. §108(c) AND FOR DETERMINATION
THAT FILING OF COMPLAINT IS VOID**

This matter having come before the Court for hearing, and having considered the Debtor's Motion to Enforce Deadline Under 11 U.S.C. §108(c) and for Determination that Filing of Complaint is Void, and the Response of Christa Austin and Christa Thompson filed thereto, and having considered the arguments of counsel for the parties, the Court finds as follows:

1. Christa Austin and Christa Thompson, as plaintiffs, filed a Complaint in Case No. 2000-2457 CA 01 (09) in the 11th Judicial District In and For Miami-Dade County, Florida, General Jurisdiction Division (hereinafter referred to as "State Court Action") on January 28, 2000, alleging personal injuries against Discovery Zone, Inc.

2. Austin and Thompson and the Chapter 7 Trustee of Discovery Zone entered into a Stipulation modifying the automatic stay provisions of 11 U.S.C. Section 362 (the "Stipulation"). The Stipulation was filed with the Court by motion and notice and Certification of Counsel, and approved by this Court on April 13, 2004. (Docket No. 1561).

3. The Court finds that the Stipulation, including the specific reference to the State Court Action, modified the stay provisions of 11 U.S.C §362 to permit the Austins to proceed and liquidate their claims in the Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 00-2457CA09 and retroactively annulled the stay as applicable to Austin and Thompson to the date of the filing of the State Court Action on January 28, 2000. As such, the filing of the State Court Action did not violate the stay provisions of 11 U.S.C §362, was not void under those provisions and 11 U.S.C. § 108(c) is not implicated.

4. In holding that the State Court Action is not void under 11 U.S.C §362 and 11 U.S.C. § 108 is not implicated, the Court makes no finding whatsoever with regard to the validity of the filing of the Complaint (except as to the extent that the Trustee argued that the stay provisions were violated under Section 362) or on whether the State Court Action was timely under Florida or other applicable law.

5. The foregoing constitutes the Court's findings of facts and conclusions of law.

IT IS HEREBY ORDERED

1. Debtor's Motion to Enforce Deadline Under 11 U.S.C. §108(c) and for Determination that Filing of Complaint is Void is denied.

February 24, 2006


Peter J. Walsh
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 7
DISCOVERY ZONE, INC., et al.,)	
)	Case No. 99-941 (PJW)
)	(Jointly Administered)
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Debtors.)	RE: Docket No. <u>1646</u>
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**ORDER DENYING DEBTOR'S MOTION TO ENFORCE DEADLINE UNDER
11 U.S.C. §108(c) AND FOR DETERMINATION
THAT FILING OF COMPLAINT IS VOID**

This matter having come before the Court for hearing, and having considered the Debtor's Motion to Enforce Deadline Under 11 U.S.C. §108(c) and for Determination that Filing of Complaint is Void, and the Response of Christa Austin and Christa Thompson filed thereto, and having considered the arguments of counsel for the parties, the Court finds as follows:

1. Christa Austin and Christa Thompson, as plaintiffs, filed a Complaint in Case No. 2000-2457 CA 01 (09) in the 11th Judicial District In and For Miami-Dade County, Florida, General Jurisdiction Division (hereinafter referred to as "State Court Action") on January 28, 2000, alleging personal injuries against Discovery Zone, Inc.

2. Austin and Thompson and the Chapter 7 Trustee of Discovery Zone entered into a Stipulation modifying the automatic stay provisions of 11 U.S.C. Section 362 (the "Stipulation"). The Stipulation was filed with the Court by motion and notice and Certification of Counsel, and approved by this Court on April 13, 2004. (Docket No. 1561).

3. The Court finds that the Stipulation, including the specific reference to the State Court Action, modified the stay provisions of 11 U.S.C §362 to permit the Austins to proceed and liquidate their claims in the Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 00-2457CA09 and retroactively annulled the stay as applicable to Austin and Thompson to the date of the filing of the State Court Action on January 28, 2000. As such, the filing of the State Court Action did not violate the stay provisions of 11 U.S.C §362, was not void under those provisions and 11 U.S.C. § 108(c) is not implicated.

4. In holding that the State Court Action is not void under 11 U.S.C §362 and 11 U.S.C. § 108 is not implicated, the Court makes no finding whatsoever with regard to the validity of the filing of the Complaint (except as to the extent that the Trustee argued that the stay provisions were violated under Section 362) or on whether the State Court Action was timely under Florida or other applicable law.

5. The foregoing constitutes the Court's findings of facts and conclusions of law.

IT IS HEREBY ORDERED

1. Debtor's Motion to Enforce Deadline Under 11 U.S.C. §108(c) and for Determination that Filing of Complaint is Void is denied.

February 24, 2006


Peter J. Walsh
United States Bankruptcy Judge

TRANSMITTAL SHEET FOR APPEAL SUBMITTED TO U.S. DISTRICT COURT

Bankruptcy Case Number-**99-00941 (PJW)**

Deputy Clerk Transferring Case- **Judy Fisher** (302) 252-2900 Ext 5111

Case Type: Appeal: **AP-06-029**

Order, Date Entered and Issues

Discovery Zone, Inc. ("Discovery Zone") appeals under 28 U.S.C. Section 158(a) from the Order Denying Motion to Enforce Deadline Under 11 U.S.C. Section 108© and for Determination that Filing of Complaint is Void entered on February 27, 2006 [Docket No. 1679].
Appellee Designations not filed.

Debtor: _____ **Discovery Zone, Inc.**

Appellant:

Counsel: _____ **Victoria Watson Counihan, Esq.**
Monica Leigh Loftin, Esq.
Greenberg Traurig, LLP
1007 North Orange Street
Suite 1200
Wilmington, DE 19801
Telephone: (302) 661-7000
Fax: (302) 661-7360

And

Susan N.K. Gummow, Esq.
Clausen Miller, P.C.
10 South LaSalle Street
Chicago, Illinois 60603-1908
Telephone: (312) 855-1010
Fax: (312) 606-7777

And

William F. Fink, Esq.
Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A.
Grove Plaza, 28th Terrace
Miami, FL 33133
Telephone: (305) 448-3939
Fax: (305) 441-1745

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Appellee: _____ **Christa Austin and Christa Thompson**

Counsel: _____ **Brian Sullivan, Esq.**
Amy D. Brown, Esq.
Werb & Sullivan
300 Delaware Avenue
Wilmington, DE 19801
Telephone: (302) 652-1100
Fax: (302) 652-1111

And

Sidney Goldberg, Esq.
Goldberg & Hirsh, PA
Sun Trust International Center
Suite 1280
1 Southeast Third Avenue
Miami, FL 33131
Telephone: (305) 372-9601
Fax: (305) 372-2323

Counsel for Chapter 7 Trustee: **Montague S. Claybrook**
913 N. Market Street
Suite 900
Wilmington, DE 19801
Telephone: (302) 661-1804

Counsel: _____ **Elio Battista, Jr., Esq.**
Blank Rome LLP
Chase Manhattan Centre
1201 Market Street, Suite 800
Wilmington, DE 19801
Telephone: (305) 425-6400
Fax: (305) 425-6464__

And

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Michael Schaedle, Esq.
Blank Rome LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103
Telephone: (215) 569-5500
Fax: (215) 569-5555
